

**MEMORANDUM**

January 30, 2003

TO: County Council

FROM: *SEH* Sonya E. Healy, Legislative Analyst  
*MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 2-03, Noise—Mobile Telephone Use

Bill 2-03, Noise—Mobile Telephone Use, sponsored by Councilmember Denis, prohibits the use of mobile telephones during a performance in the area, room, or chamber of any indoor theatre, library, museum, gallery, motion picture theatre, concert hall, or building where a theatrical, musical, dance, motion picture, lecture, or other similar performance is exhibited. Before a performance, an owner, operator, manager, or staff must post signs, make announcements, or provide other printed material to inform patrons that mobile telephone use is prohibited during a performance.

The purposes of Bill 2-03 are to promote a more pleasurable viewing and listening environment for performances and to prevent patrons from confronting each other about mobile telephone use. Attached on circles 6 and 7 is a fact sheet that further describes the bill. A public hearing will be scheduled at a later date.

**I. Background Information**

Mobile telephone use has risen dramatically over the past several years. According to the Federal Communications Commission, as of June 2002, there were 137 million mobile telephone subscribers in the United States, a 13 percent increase from 2001. More than 2.3 million of these subscribers reside in Maryland (© 13).

The proliferation of mobile telephones has led to an increase in the number of disruptions during concerts, plays, and movies. A variety of actors have stopped live stage performances when patrons have used cell phones in the theatre. For example, during a Broadway performance of *The Lion in Winter*, Laurence Fishburn stopped the show and hounded a cell-phone user out of the theatre. The audience responded with a standing ovation (© 24 and 41).

Perhaps the most common problem is the use of mobile telephones in movie theatres, where performances cannot be stopped to prevent mobile telephone use (© 11). Theatre associations advise movie theatre companies to develop and institute policies on mobile telephone use. The Mid-State National Association of Theatre Owners advises its members to post signs explaining mobile telephone restrictions (© 35-36).

Many etiquette guidelines can be found in newspaper and magazine articles by authors tired of rude mobile telephone users (© 30-34). Peggy Post, manners expert, has three guidelines: "Don't talk during lectures, concerts, plays, and movies; use a vibrating phone instead of a ringer; and keep conversations very short." Wireless World, a technology journal, has even provided its readers with the "Ten Commandments of Mobile Phone Etiquette" (© 46-47).

Many mobile telephone users have no idea that they are disturbing others. An SBC Communications survey found that 53 percent of respondents gave other wireless telephone users a grade of C or lower for manners; however, 83 percent of the respondents gave themselves a grade of A or B for their own mobile telephone manners. In the same survey, 98 percent of respondents found it inappropriate to use a mobile telephone at a funeral, 96 percent were against using mobile telephones at a theatre, and 86 percent said mobile telephones should not be used in a restaurant (© 41-42).

Another survey conducted by Wirthlin Worldwide, a market research provider, found that since 2000 there has been a significant decrease in the percentage of Americans who find it acceptable to use their mobile telephones in movies, at restaurants, and in other social situations. In 2000, 11 percent of mobile telephone users surveyed said it was acceptable to talk on a cell phone while at the movies or in a theatre. This number dropped to six percent in 2002 (© 44-45).

## **II. Experience in Other Jurisdictions**

On December 18, the New York City Council passed legislation, similar to this bill, banning mobile telephone use at places of public performances (© 8-9). Bill 0257-2002 was sponsored by Councilmember Phil Reed and had 22 co-sponsors from the 51 member Council. The Council voted 40-9 in favor of this bill. Councilmember Reed claimed that public support for the legislation was approximately 15-1 both in New York City and nationally (© 27-29).

Bill 0257-2002 was introduced as a result of the mobile telephone disruptions experienced by audience members throughout New York City (© 10-12). This bill provides places of public performance with additional authority to prevent the use of mobile telephones during performances. Patrons who use mobile telephones during performances are subject to a \$50 fine.

On January 13, Mayor Bloomberg vetoed Bill 0257-2002 because he claimed that the number of performance venues in New York City made the bill impossible to enforce (© 14). The mobile telephone industry also opposed the legislation on the grounds that cellular telephone etiquette should not be legislated.

San Diego, California has also experienced significant problems with mobile telephone use during performances. Mayor Susan Golding's office conducted an online poll asking

citizens whether they would support restricting cell phone use. According to the Mayor's Office, of the nearly 5,300 responses to the poll, respondents most often voted for cell phone restrictions in movies and performing arts theatres (© 37-38). As a result of this survey, the Mayor teamed with Nokia to create "Cell Phone Courtesy Week" (© 37-40). In addition to providing guidelines for good mobile telephone manners, "Quiet Zone" logos are now found in hundreds of businesses throughout San Diego.

This packet contains:

Circle number

Bill 2-03	1-3
Legislative Request Report	4-5
Bill 2-03 Fact Sheet	6-7
New York City Council, Bill 0257-2002	8-9
New York City Council, Report from Consumer Affairs Committee, Nov. 19, 2002	10-12
Local Telephone Competition: Status as of June 30, 2002, FCC, Dec. 2002	13
NYC Mayor Says 'Shush!' Works Fine, WNBC.com, Jan. 15, 2002	14
New York City Council Bans Using Cell Phones in Theatres, Galleries, The Washington Post, Dec. 29, 2002	15
The Yakety-Yak Backlash, The New York Times, Nov. 24, 2002	16-20
NYC Tackles Cell Phone Etiquette, USA Today, Oct. 30, 2002	21-23
Hush-Hush Hooray, Says NYC, Wired.com, Aug. 17, 2002	24-26
Should Cell Phone Use Be Banned in Places of Public Performance, CNN Crossfire, Aug. 15, 2002	27-29
Backlash Against Cell Phones, More Restaurants, Businesses Ban Devices, ABC News.com, April 17, 2002	30-31
The Ceiling of America, No Longer a Novelty, Mobile Phones Ring Everywhere, ABC News.com, May 3, 2002	32
Cell Phone Users Need to Call Miss Manners, Fox News Channel, Nov. 18, 2002	33-34
Camcorders and Cell Phones: What's an Exhibitor To Do?, Mid-States National Association of Theatre Owners, Dec. 2002.	35-36
Phone Firm Fights 'Cell Yell,' ABC News.com, Aug. 6, 2000	37-40
Call of the Riled, Taking Action Against the Boors of the Wireless World, U.S. News & World Report, June 14, 1999	41-43
Research Updates Americans' View on Cell Phone Etiquette, LetsTalk.com, Sept. 3, 2002	44-45
The Cell Phone Ten Commandments, PC World.com, June 14, 2000	46-47

Bill No. 2-03  
Concerning: Noise-Mobile Telephone Use  
Revised: Jan. 28, 2002 Draft No. 1  
Introduced: Feb. 4, 2003  
Expires: Aug. 4, 2004  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Denis

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**AN ACT** to:

- (1) restrict the use of mobile telephones at a place of public performance;
- (2) allow mobile telephone use at a place of public performance during an emergency;
- (3) require certain persons to notify the public that mobile telephone use is prohibited during a performance; and
- (4) generally amend the law regarding noise at public performances.

By adding

Montgomery County Code  
Chapter 31B, Noise Control  
Section 31B-9A

By amending

Montgomery County Code  
Chapter 31B, Noise Control  
Section 31B-12

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

Sec 1. Section 31B-9A is added and Section 31B-12 is amended as follows:

**31B-9A. Mobile Telephone Use—Public Performance Restrictions.**

(a) Definitions. In this Section:

(1) Mobile telephone means any analog, digital, or other similar communications device that transmits or receives:

(A) cellular telephone service;

(B) personal communication service; or

(C) any other commercial mobile radio service as defined by the Federal Communications Commission.

(2) Place of public performance means an area, room, or chamber of any indoor theatre, library, museum, gallery, motion picture theatre, concert hall, or building where a theatrical, musical, dance, motion picture, lecture, or other similar performance is shown. Place of public performance does not include any arena or venue where a professional or amateur sports event takes place.

(b) Mobile telephone restrictions. A person must not use a mobile telephone in a place of public performance during a theatrical, musical, dance, motion picture, lecture, or similar performance. Mobile telephone use includes an audible signal, dialing a telephone keypad, or talking on a mobile telephone.

(c) Public notice. Before each performance, the owner, operator, manager, or other person having control of any place of public performance must notify the public that mobile telephone use is prohibited, as provided in subsection (b), by announcement, posted, sign, or other written material.

(d) Exception. Subsection (b) does not apply to a person who uses a mobile telephone in an emergency situation to contact an emergency response

operator, fire and rescue service, police department, hospital, health clinic, or doctor's office.

(e) Penalty. A violation of this Section is a Class C civil violation. Each violation of this Section is a separate offense.

**31B-12. Enforcement and penalties.**

(a) The Department must enforce this Chapter. The County Executive may delegate in writing the authority to enforce parts of this Chapter to the Police Department or any other Executive agency.

(b) [A] Except as otherwise provided in Section 31B-9A(e), a violation of this Chapter is a Class A violation. Each day a violation continues is a separate offense. A violation of Section 31B-6 is a separate offense in addition to any other violation of this Chapter arising from the same act or occurrence.

\* \* \*

*Approved:*

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Michael L. Subin, President, County Council

Date

*Approved:*

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Douglas M. Duncan, County Executive

Date

*This is a correct copy of Council action.*

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Mary A. Edgar, CMC, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 2-03

### *Mobile Telephone Use—Public Performance Restrictions*

<b>DESCRIPTION:</b>	This bill prohibits the use of mobile telephones at a place of public performance, which includes the area, room, or chamber of a motion picture theatre, library, museum, gallery, concert hall, or building where theatrical, musical, dance, motion picture, lecture, or another similar performance is held. A person must not use a mobile telephone in a place of public performance during a theatrical, musical, dance, motion picture, lecture, or other similar performance. Before a performance the owner, operator, manager, or person having control of a place of public performance must provide notice to patrons that mobile telephone use is prohibited by posting signs, making announcements, or providing other printed material.
<b>PROBLEM:</b>	In the last several years, the use of mobile telephones in theatres, cinemas, and cultural institutions has made it difficult to enjoy performances. A patron's viewing and listening enjoyment is disrupted by a ringing mobile telephone and the subsequent conversation. Many theatres maintain their own policies prohibiting the use of mobile telephones during performances, but these rules may not be enforced. Patrons sometimes confront each other about mobile telephone use, which may result in arguments or physical violence.
<b>GOALS AND OBJECTIVES:</b>	The goal of this bill is to promote an enjoyable viewing environment for performances and to prevent patrons from confronting each other about mobile telephone use.
<b>COORDINATION:</b>	Department of Environmental Protection and the Police Department
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	The New York City Council recently passed, but the Mayor recently vetoed, Bill 0257-2002 to prevent mobile telephone use in a place of public performance, with a violation resulting in a \$50 fine. The Council has until February 13 to override the Mayor's veto.
<b>SOURCE OF INFORMATION:</b>	Sonya E. Healy, Legislative Analyst, Office of the County Council, 240-777-7970.

**APPLICATION  
WITHIN  
MUNICIPALITIES:**

Applies in Barnesville, Brookville, Chevy Chase View, Chevy Chase Section 3, Chevy Chase, Chevy Chase Section 5, City of Gaithersburg, Glen Echo, Village of Martin's Additions, Village of North Chevy Chase, Poolesville, City of Rockville, Somerset, Takoma Park, and Washington Grove.

**PENALTIES:**

Class C civil violation.



## ***Bill 2-03, Mobile Telephone Use—Public Performance Restrictions***

**Q: *What does Bill 2-03 do?***

**A:** Bill 2-03 prohibits mobile telephone use during an indoor theatrical, musical, dance, motion picture, lecture, or other similar performance. Before a performance, the owner, operator, or theatre manager must notify patrons that mobile telephone use is prohibited by posting signs, making announcements, or providing other printed material. The on-screen notice that theatres typically provide before a movie satisfies this requirement.

**Q: *Why is Bill 2-03 necessary?***

**A:** In the last several years, the increased use of mobile telephones in theatres, cinemas, and cultural institutions has made it difficult to enjoy the arts. A patron's viewing and listening enjoyment is disrupted by a ringing mobile telephone and the subsequent conversation. Patrons may confront each other about mobile telephone use, which may result in arguments or physical violence. The goal of this bill is to promote an enjoyable environment for performances and to prevent patrons from confronting each other about mobile telephone use.

**Q: *What constitutes mobile telephone use?***

**A:** Mobile telephone use includes a call signaled by an audible sound, dialing the telephone keypad, or talking on a mobile telephone.

**Q: *What if I need to use a mobile telephone to report an emergency at a place of public performance?***

**A:** An emergency exception in Bill 2-03 allows individuals to use a mobile telephone at a place of public performance to contact an emergency response operator, fire and rescue service, police department, hospital, health clinic, or doctor's office.

**Q: *What if I need to use my mobile telephone at a place of public performance for some other reason?***

**A:** Bill 2-03 only prohibits mobile telephone use during a performance in the area, room, or chamber where the public performance is taking place. This bill does not prevent mobile telephone use in foyers, lobbies, reception areas, or any other location where a performance is not taking place. The public may make and receive mobile telephone calls in these areas during a performance.

**Q: *How will this bill affect the current policies that many places of public performance maintain to deal with disruptive patrons?***

**A:** This bill will reinforce existing policies that many places of public performance currently maintain. Many theatres have policies prohibiting the use of mobile telephones, but these policies are not standardized and may not be consistently enforced. This bill provides a legislative mandate that staff, patrons, and others can rely on to help prevent the use of mobile telephones during performances.

**Q: Why doesn't Bill 2-03 address the public safety issues associated with driving and talking on mobile telephones?**

**A:** Maryland's General Assembly will take up this issue again during the 2003 legislative session. The State, not the County, has authority over State-owned roads to maintain uniform rules on all roads that pass through the County.

**Q: What type of penalty does Bill 2-03 impose?**

**A:** An individual may be fined \$50 for an initial offense and \$75 for a repeat offense.

**Q: How will this bill be enforced? Doesn't the number and variety of performing arts venues throughout the County make this bill impossible to enforce?**

**A:** The goal of this bill is preventative, not punitive. The first line of defense for violations will be theatre staff, managers, and others informing mobile telephone users that telephone use is prohibited during performances. If a theatre manager can not put an end to a disruption caused by the telephone use, noise enforcement staff or the police may be called to issue a citation. The number and variety of performing arts venues throughout the County does not prevent sensible enforcement. Other behaviors, such as smoking, are prohibited in a wide variety of public places without placing great demands on County Government.

**Q: Where can I see Bill 2-03 and what happens next?**

**A:** Bill 2-03 is available on the County Council's website at [www.co.mo.md.us/council](http://www.co.mo.md.us/council). A public hearing will be scheduled. If you have other questions about the bill, you can contact Council staff at [county.council@co.mo.md.us](mailto:county.council@co.mo.md.us) or (240) 777-7900.

## Proposed Int. No. 257-A

By Council Members Reed, Addabbo, Brewer, Comrie, DeBlasio, Foster, Gioia, Gerson, Koppell, Martinez, Nelson, Perkins, Provenzano, Quinn, Recchia, Sears, Serrano, Vann, Weprin, Boyland, Golden and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of mobile telephones in a place of public performance.

Section 1. Subchapter 3 of chapter 2 of Title 24 of the administrative code of the city of New York is amended by adding a new section 24-218.1 to read as follows:

§ 24-218.1. Use of mobile telephones restricted in a place of public performance.

a. Definitions. For purposes of this section:

- (1) The term "mobile telephone" shall mean a cellular, analog, wireless, digital or other similar telephone or communications device, which can be used to access two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 CFR § 20.3.
  - (2) The term "use" shall mean to receive a mobile telephone call signaled by an audible sound, dial a mobile telephone, or talk or listen on a mobile telephone.
  - (3) The term "place of public performance" shall mean the area, room, or chamber of any indoor theatre, library, museum, gallery, motion picture theatre, concert hall, or building in which theatrical, musical, dance, motion picture, lecture, or other similar performances are exhibited. This term shall not include any area or venue in which professional or amateur sporting events are taking place.
- b. No person shall use a mobile telephone in a place of public performance while a theatrical, musical, dance, motion picture, lecture or other similar performance is taking place.
- c. Exception. The provisions of this section shall not apply to an individual who uses a mobile telephone to contact an emergency response operator, hospital, physician's office or health clinic, ambulance company, fire company, first aid squad or police department in an emergency situation or in any other circumstance which may be deemed an emergency.
- d. Notice to patrons. (1) The owner, operator, manager or other person having control of any place of public performance shall, at every theatrical, musical, dance, motion picture, lecture or other similar performance, provide prominent and conspicuous notice to patrons by means of announcement, signage, printed material, or other similar means indicating that mobile telephone use is prohibited

as prescribed in subdivision b of this section. The commissioner of environmental protection may promulgate rules regarding the size, style and location of such notices, but in promulgating such rules, the commissioner of environmental protection shall take into consideration the concerns of the various types of establishments regulated herein with respect to the style and design of such notices.

(2) In addition, the owner, operator, manager or other person having control of any motion picture theatre in which motion pictures are exhibited to the public shall, prior to the showing of each feature motion picture, show upon the movie screen information indicating that mobile telephone use is prohibited as prescribed in subdivision b of this section.

§ 2. Subchapter 8 of chapter 2 of Title 24 of the administrative code of the city of New York is amended by adding the following entry to Table V of Section 24-257 to read as follows:

Violations related to section and subdivision	<u>First Violation</u>		<u>Second Violation</u>		<u>Third and Subsequent Violations</u>	
	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum
24-218.1(b).....	\$50	\$50	\$50	\$50	\$50	\$50

§3. This local law shall take effect 60 days after it is enacted.

LS # 346  
DS



**THE COUNCIL**  
**REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION**  
Marcel Van Ooyen, Deputy Chief of Staff

**COMMITTEE ON CONSUMER AFFAIRS**  
Council Member Philip Reed, Chair  
November 19, 2002

**PROPOSED INT. NO 257-A:**

By Council Members Reed, Addabbo, Brewer, Comrie, DeBlasio, Foster, Gioia, Gerson, Koppell, Martinez, Nelson, Perkins, Provenzano, Quinn, Recchia, Sears, Serrano, Vann, Weprin, Golden and Oddo.

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of mobile telephones in a place of public performance.

**ADMINISTRATIVE CODE:**

Adds a new section 24-218.1 to subchapter 3 of chapter 2 of Title 24 and amends subchapter 8 of chapter 2 of Title 24 by adding an entry to Table V of Section 24-257.

On Tuesday, November 19, 2002, the Committee on Consumer Affairs, chaired by Council Member Philip Reed, will hold a hearing on Proposed Int. No. 257-A. This legislation would amend subchapter 3 of chapter 2 of Title 24 of the administrative code of the City of New York by adding a new section 24-218.1, which would restrict the use of mobile telephones in places of public performance.

**BACKGROUND:**

New York City has long been one of the major cultural centers of the world. Long-time citizens and tourists alike attend our city's theatres, cinemas, and cultural institutions to enjoy high-caliber performances, films, and lectures at every price level. In the last several years, however, the growing presence of mobile or cellular phones in theatres and performance spaces has made enjoyment of the arts more difficult. Increasingly, theatre and movie patrons are failing to turn off their mobile phones during performances. Indeed, in a recent survey, more than 10% of respondents nation-wide admitted to taking incoming calls in movie or live theatres. Disregarding the rest of the audience

members, these individuals may engage in prolonged, audible conversations during stage performances, films, dance recitals, and lectures.

A number of stage actors have even found themselves in the unenviable position of hushing audience members who have interrupted pivotal scenes by taking phone calls. The press has reported that Kevin Spacey, Brian Dennehy, Laurence Fishburn, and Stanley Tucci – to name some of the most note-worthy – have all stopped their performances when patrons have used cell phones in the theatre. Struggling actors working in less rarified atmospheres are confronted with the problem as well. Perhaps the most common problem is the use of cell phones in movie theatres, where no actor can stop the performance to prevent cell phone use.

The majority of theatres in New York already maintain their own policies prohibiting the use of cell phones during performances, but these rules may or may not be followed. This proposed legislation would allow the institutions more authority in preventing the use of cellular phones in a place of public performance. It would also rely on existing *enforcement mechanisms of the New York City Noise Control Code* to ensure compliance.

## **PROPOSED LEGISLATION:**

### ***Provisions of the Bill***

Section 1 of Int. 257-A contains the four major components of the bill. First, subdivision a defines the terms used in the legislation: “mobile telephone,” “use,” and “place of public performance.” These definitions are intended to capture the employment of all possible types of mobile phones in all relevant performance spaces.

It should be noted that the definition of “use” of a mobile phone includes receiving “a mobile telephone call signaled by an audible sound.” Many theatre-goers and performers complain that performances are ruined when audience members do not turn their phones off or place them on mute. In addition, the definition of “place of public performance” specifically excludes outdoor spaces and venues in which sporting events are taking place. Events held in these types of spaces are less likely to be disrupted by mobile phone use.

Subdivision b sets forth the prohibition on using a mobile telephone in a place of public performance while a live, motion picture, or similar performance is taking place.

Subdivision c establishes an exception to allow individuals who need to make emergency phone calls to do so. For the purposes of the legislation, an emergency is broadly defined so as to ensure citizens’ safety.

Subdivision d requires the owners, operators, managers, or other directors of public performance spaces to provide notice to their patrons indicating the restrictions on cellular phone use. This component allows theatre owners to select which means of notice is the most advantageous and efficient for their particular

situation. In addition, this subdivision requires the Commissioner of Environmental Protection to take into consideration the style and design concerns of theatres and other performance spaces if he or she elects to promulgate rules for the required notices. Finally, subdivision d requires the owners, operators, managers, or other directors of movie theatres to show information pertaining to the restrictions on cell phone use on the movie screen prior to each motion picture.

### ***Penalties***

Section 2 of the bill amends Table V of Section 24-257, which establishes fines for violations of the City's Noise Control Code. The entry to be added to Table V sets forth a civil penalty of fifty dollars for a violation of the new Section 24-218.1. Specifically, this penalty would be imposed on an individual who uses a cellular phone during a public performance.

### ***Enactment***

Section 3 of the bill states that the local law shall take effect 60 days after it is enacted.

**Table 11**  
**Mobile Wireless Telephone Subscribers <sup>1</sup>**

State	Jun 2002 Reporting Carriers <sup>1</sup>	Jun 2002 Percent Resold <sup>2</sup>	Subscribers Dec 1999	Subscribers Jun 2000	Subscribers Dec 2000	Subscribers Jun 2001	Subscribers Dec 2001	Subscribers Jun 2002	Percent Change Jun 01 - Jun 02
Alabama	11	7 %	1,080,410	1,253,084	1,386,294	1,930,631	1,924,476	1,955,223	1 %
Alaska	4	9	165,221	169,892	*	218,424	240,216	242,133	11
Arizona	13	3	1,125,321	1,624,668	1,855,115	2,018,410	2,171,021	2,412,998	20
Arkansas	7	3	719,919	715,467	743,928	891,275	970,127	1,130,302	27
California	15	5	8,544,941	12,283,369	12,710,520	14,184,625	14,997,358	15,875,264	12
Colorado	10	2	1,552,718	1,654,989	1,856,075	1,983,405	2,145,816	2,247,166	13
Connecticut	6	3	1,077,089	1,136,618	1,277,123	1,418,367	1,616,937	1,558,076	10
Delaware	6	2	270,848	275,219	371,014	389,284	412,611	433,049	11
Dist. of Columbia	6	3	910,116	<sup>3</sup>	928,962	987,323	1,008,397	1,001,186	1
Florida	12	6	5,158,079	4,983,478	6,369,985	7,536,670	8,521,734	8,139,321	8
Georgia	15	6	2,538,983	2,687,238	2,754,784	4,076,119	4,020,010	4,171,843	2
Guam	*	*	*	*	0	*	*	*	*
Hawaii	6	1	288,425	454,364	524,291	543,283	595,721	640,246	18
Idaho	10	2	271,436	296,066	344,564	398,781	444,864	500,693	26
Illinois	10	5	3,922,482	4,309,660	5,143,767	5,621,044	5,631,172	5,406,664	-4
Indiana	8	8	1,318,975	1,717,378	1,715,074	1,781,247	1,897,049	1,999,451	12
Iowa	12	8	774,773	975,629	832,106	861,382	1,087,608	1,157,580	34
Kansas	12	3	669,472	724,024	801,293	901,225	956,050	1,061,154	18
Kentucky	9	8	911,700	999,544	1,026,334	1,176,756	1,307,988	1,402,802	19
Louisiana	11	12	1,227,106	1,294,693	1,306,457	1,677,292	1,838,244	2,086,529	24
Maine	5	1	187,003	283,640	359,786	399,616	427,313	457,835	15
Maryland	8	3	1,473,494	<sup>3</sup>	1,982,477	2,134,125	2,298,384	2,372,708	11
Massachusetts	6	3	1,892,014	2,228,169	2,649,130	2,753,685	2,988,667	3,274,877	19
Michigan	15	5	3,512,813	3,423,535	3,551,719	4,071,091	4,238,399	4,710,370	16
Minnesota	12	5	1,550,411	1,595,560	1,851,430	2,014,317	2,153,857	2,254,895	12
Mississippi	11	13	673,355	509,038	786,577	993,781	980,918	1,039,739	5
Missouri	11	4	1,855,452	1,848,775	1,767,411	1,937,684	2,106,599	2,246,299	16
Montana	4	2	*	*	*	*	279,349	291,429	*
Nebraska	8	1	576,296	600,885	659,380	712,685	791,799	838,568	18
Nevada	7	6	750,335	825,163	684,752	766,581	842,155	893,788	17
New Hampshire	8	11	280,508	309,263	387,264	445,181	492,112	529,498	19
New Jersey	6	2	2,289,181	2,750,024	3,575,130	3,896,778	4,283,643	4,530,663	16
New Mexico	9	10	363,827	395,111	443,343	619,582	660,849	735,107	19
New York	11	6	4,833,816	5,016,524	5,918,136	6,749,096	7,247,181	7,713,977	14
North Carolina	11	6	2,536,068	2,730,178	3,105,811	3,377,331	3,605,441	4,429,832	31
North Dakota	*	*	*	*	*	*	*	245,578	*
Ohio	14	4	3,237,786	3,278,960	4,150,498	4,255,934	4,739,795	4,887,335	15
Oklahoma	12	4	826,637	979,513	1,124,214	1,200,234	1,288,357	1,366,437	14
Oregon	10	4	914,848	1,082,425	1,201,207	1,268,909	1,399,279	1,473,883	16
Pennsylvania	12	3	2,767,474	3,850,372	4,129,186	4,378,216	4,849,085	4,986,819	14
Puerto Rico	6	0	*	1,090,005	757,613	1,374,747	1,128,736	1,136,619	-17
Rhode Island	6	3	279,304	313,550	355,889	401,805	454,936	461,004	15
South Carolina	10	17	1,137,232	1,236,338	1,392,586	1,502,345	1,625,392	1,724,156	15
South Dakota	4	3	*	*	*	*	278,646	292,210	*
Tennessee	11	5	1,529,054	1,876,444	1,985,851	2,251,208	2,443,483	2,573,801	14
Texas	17	6	5,792,453	6,705,423	7,548,537	8,294,338	9,062,064	9,521,985	15
Utah	9	3	643,824	692,006	750,244	833,492	919,002	970,854	16
Vermont	*	*	*	*	*	*	*	*	*
Virgin Islands	*	*	*	0	0	*	*	*	*
Virginia	11	3	1,860,262	<sup>3</sup>	2,450,289	2,767,247	2,982,089	3,155,390	14
Washington	10	4	1,873,475	2,144,767	2,286,082	2,493,214	2,706,030	2,846,197	14
West Virginia	9	8	241,265	347,916	392,384	452,036	498,811	549,721	22
Wisconsin	11	6	1,525,818	1,342,908	1,698,520	2,008,679	2,229,389	2,522,479	26
Wyoming	4	3	127,634	*	*	173,939	194,665	168,232	-3
Nationwide	81	5 %	79,696,083	90,643,058	101,043,219	114,028,928	122,399,943	128,845,821	13 %

NM - Not meaningful.

\* Data withheld to maintain firm confidentiality.

<sup>1</sup> Carriers with under 10,000 subscribers in a state were not required to report.

<sup>2</sup> Percentage of mobile wireless subscribers receiving their service from a mobile wireless reseller.

<sup>3</sup> At the end of June 2000, the District of Columbia, Maryland, and Virginia had a total of 4.8 million subscribers. The state-by-state totals for these individual states were inconsistently reported at the end of June 2000 compared to the other filing periods.



# wnbc.com

## NYC Mayor Says 'Shush!' Works Fine

### ***Bloomberg Vetoes Cell Phone Ban***

POSTED: 8:14 p.m. EST January 14, 2003

UPDATED: 7:46 a.m. EST January 15, 2003

**NEW YORK --** Mayor Michael Bloomberg, saying a "Shush!" might work better than a \$50 fine, on Tuesday vetoed a bill that would ban the use of cell phones at public performances.

"We do not hesitate to shush," Bloomberg wrote in a letter to the city clerk to veto the bill. "Some standards of conduct, not directly affecting public health or safety, can best be enforced not through legislation but through less formal means."

The legislation, which would have created one of the nation's strictest cell phone bans, was overwhelmingly passed by the City Council last month. The council has enough votes to override Bloomberg's veto, but it was unclear Tuesday night when a council vote would take place.

Under the legislation, the ban would include concerts, movies, plays, lectures, dance performances, museums, libraries and galleries. Talking on a cell phone, listening on one or even having one ring during a performance would constitute a violation -- and a \$50 fine.

Cell phone use would still be permitted at sporting events, such as basketball arenas and baseball stadiums, and in emergencies.

Bloomberg wrote that using a cell phone during a public performance is usually rude and disrespectful, but he said the ban would apply to so many locations it would be "virtually impossible to enforce."

The Cellular Telecommunications & Internet Association, an international organization for wireless service providers and manufacturers, maintains that cell phone etiquette should not be legislated.

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(14)

# **The Washington Post**

Sunday, December 29, 2002; Page A02

## **COAST TO COAST**

A national briefing of people, issues and events around the country

### **New York City Council Bans Using Cell Phones in Theaters, Galleries**

The New York City Council has voted to ban the beeping, bleating, brrnnnnnging cell phone from Broadway shows, art galleries, libraries and even the less than genteel precincts of the Madison Square Garden rock concert.

Mayor Michael Bloomberg, who like his predecessor Rudolph W. Giuliani rarely blanches at an opportunity to regulate behavior in this most unruly city, nonetheless opposes this bill. He says it's not enforceable and will veto it. But the City Council says it has the votes to override the mayor.

City Council Speaker Gifford Miller describes the legislation as "essentially self-enforcing."

The legislation requires either an announcement or a sign banning the cell phone. If the owner of the phone so much as lets it ring, he or she is subject to a \$50 fine. No other large city in the nation has mandated such a ban. Phones will be permitted at basketball arenas and baseball stadiums, albeit at an overtalkative patron's own risk.

-- Michael Powell

November 24, 2002

## The Yakety-Yak Backlash

By TANYA MOHN

**W**HAT would Alexander Graham Bell say about cellphones?

Accounts from the late 19th century claim that in his later years Bell was regretful that the telephone, originally intended to help the deaf speak with less difficulty, had become more a money-making venture than an aid to society. Perhaps Mr. Bell would have been pleased with the crucial role cellphones played during the Sept. 11 terrorist attacks, and that roughly a third of 911 calls nationwide are from mobile phones.

But in their book "Once Upon a Telephone: An Illustrated Social History" (Harcourt Brace & Company, 1994), Ellen Stern and Emily Gwathmey suggest that the incessant ring and chatter from cellphones may have displeased the inventor. "No matter the excitement in the industry he had created, Bell forever refused to have a telephone in his study. He resented its persistent jangle," they write.

Norine Idoni and Arline Stefanisko, secretaries at the town of Mamaroneck Building Office on Boston Post Road, have their own complaints. "It was so loud in here, it got to the point that we couldn't hear our own phones," Ms. Idoni said, explaining that the lawyers, real estate agents and contractors who frequent the office, showed no discretion with cellphones.

So they plastered bright yellow signs around the office banning their use. The signs read, "Please Do Not Use Cellphones in This Office!!! Please Step Into the Hallway to Use Your Cellphone." The signs are usually effective, but not always.

"I've had a person sitting right there," Mrs. Stefanisko said, "making calls right in front of the sign! I hate them. I see no reason for them."

Mrs. Stefanisko has little patience with cellphones in other places of business as well. "The worst is the mothers in the supermarkets," she said.

Marguerite Roma, a secretary in the adjoining Zoning and Planning Board office agreed. "When I see that, I go berserk," said Ms. Roma. "People functioned without them before. What's the big deal? It's so ridiculous."

A few miles down the Boston Post Road in Larchmont, Debbie Frank, owner of the exercise studio that bears her name, also took action against the beeping, ringing and chatting.

"It's intruding on other people's time," Mrs. Frank said, particularly in a place that is intended to be an escape.

"Most people just chitchat about nonsense," she said. "It's no longer used just for an emergency."

(16)

Mrs. Frank has long made verbal announcements banning cellphones from the studio, and recently put up a sign, an image of a cellphone with a big "X" over it.

"But people don't always see it," she said. "I hate to say I'm not nice, but I can really embarrass someone." If a phone rings in an exercise class, she may turn up the music.

Some people became so upset by her ban that she came up with a novel solution: patron cellphones are held at the front desk and are answered by an employee.

Elaine Price, director of the Westchester County Department of Consumer Protection, said there are no statistics that track how businesses or consumers are responding to cellphone use in public places.

"We have no jurisdiction over the rude or offensive," she said but added, "There is general unease about the proliferation" of cellphones. "People are really fed up."

Carol Page, a public relations consultant based in Boston, founded cellmanners.com to promote civility between cellphone users and people around them.

"We have to create social pressure," she said, and recommended what she calls "the shame factor."

She suggested using phrases like "I bet you have no idea how loud your voice is — everybody can hear all of your personal business."

"You'd be surprised how effective it can be," Ms. Page said.

Jacqueline Whitmore, founder of the Protocol School of Palm Beach, and the wireless phone etiquette spokeswoman for Sprint PCS, introduced National Cell Phone Courtesy month last July to heighten public awareness. She said many complaints are because people often don't know how to use all the features. Most rules, she said, are common sense: put the phone on silent mode at a meeting; step away if you need to discuss private matters, or if you must take a call during a business lunch, let the person you are with know ahead of time that you are expecting an important call, and keep it brief.

"Cellphones actually are a blessing," Ms. Whitmore said. "They are excellent communication tools that won't go away."

There are also nascent attempts to legislate their use.

Last week, a bill to ban cellphone use during public performances, proposed by New York City Councilman Philip Reed, passed the council's consumer affairs committee by a vote of 4 to 1. It will now go before the full council for consideration. If passed, violators would be subject to fines of \$50, and institutions including theaters, libraries and museums would be required to post signs outlining the ban.

Last year concerns about safety prompted Gov. George E. Pataki to sign into law the first statewide ban on the use of hand-held cellphones while driving. Next week marks the first anniversary of the law's enforcement. In the first eight months, some 46,000 tickets have been written to offenders, according to Matt Burns, a spokesman for the State Department of Motor Vehicles in Albany.

How effective a law in places like theaters can be remains in question.

(17)

"How is anyone going to enforce the law?" said Travis Larson, a spokesman for Cellular Telecommunications and Internet Association in Washington.

"Are you going to have policemen in the movie theater and at the opera house?" Mr. Larson said. "We believe education is better than legislation."

Businesses around the county have taken a number of approaches. Most rely on an appeal to common courtesy, which doesn't always work.

While Amtrak initiated its popular "quiet cars" on most trains in the Northeast Corridor a year and a half ago, Metro-North Railroad merely makes suggestions that talkers be thoughtful of their fellow commuters. In its courtesy campaign, Metro-North frequently distributes tips to riders in newsletters and fliers, or the conductors make on-board announcements, suggesting riders limit time on the phone or call from the vestibule. "Pretend it's a big phone booth," one newsletter reads. Marjorie Anders, a Metro-North spokeswoman, said the campaign, begun a year ago, has been so successful that complaints have dropped by half.

Clearview Cinemas, a chain of 59 theaters in the tri-state area, with eight in Westchester, runs a humorous trailer comparing cellphone use with other discourteous behavior, like smoking or talking while the film is in progress. One scene shows a smiling woman holding up her cellphone, saying, "I put mine on vibrate."

Laura Conover, a spokeswoman for Clearview Cinemas, said: "People tend to chuckle a little. We feel the message is getting through."

But some businesses actually encourage cellphone use.

"Here it's a positive non-issue," said Robert T. Guerra, manager of The Westchester mall. "It's a nice aid to have when customers are shopping. If they are unsure of what size or color to get — boom — they make a call. It's great."

Cellphones also help shoppers keep in touch, Mr. Guerra said, like parents with their teenagers, for example, who will often use them in a way that encourages sales.

"They'll say, 'Let's meet at P. F. Chang's for lunch at 1,' " Mr. Guerra said, referring to a popular Chinese restaurant in the mall.

The mall is allowing cellphone companies to install antennas to increase transmission, which are expected to be in place by the end of the year.

Kelly O'Connor, a spokeswoman for the Stop & Shop supermarket company, which has about a dozen stores in the county, said the company has no official policy and no significant number of complaints at its stores.

Angelo Martelli, a store manager at Stew Leonard's in Yonkers, said whenever he overhears a cellphone conversation, it is inevitably good for business. He said he hears customers saying, "I'm at Stew Leonard's, do you need anything?"

"Personally," he said, "I have never had any complaints."

Kathleen Lynch of Yonkers, used her cellphone on a recent Saturday while shopping there to call her mother to ask about how much meat to buy for a family dinner. She originally bought the phone to be able to check on her children and for emergencies, of which there have been none. She said she saw nothing wrong with people using the phone in such a public place.

Even among cellphone users there is some disagreement about acceptable protocol. Another shopper, Doris McQuay, took a call from a family member. But she gets annoyed by how oblivious some shoppers on cellphones are. "It bothers me if they are not paying attention and are blocking you," she said.

Anne Price, who was shopping with her husband, Wayne, finds self-involved chatter upsetting. "I've seen people, like this guy talking to his wife, going aisle to aisle, 'I'm going to the milk section now, I'm in the cereal section now,' going down the whole grocery list."

Mr. Price said, "I don't want to hear a person's personal business." He characterized his reaction to the use of cellphones in public places as "very negative."

"Here, you can just walk away," he said. "It's a problem when you are held captive."

Mr. Price recounted a recent bus trip when a woman was talking on a cellphone. "Everyone was irritated; it didn't make a difference," he recalled. "One passenger shouted out, 'When is the lady with the cellphone getting off?' Another passenger chimed in, 'Not soon enough.' Yet another said, 'Could you stop, I want to sleep.' "

"They want all these cellphones users to feel comfortable," he said of the lack of intervention by a business's managers.

But he said he found behavior like that of the cellphone-using bus passenger "very rude and self-centered."

ADVANCES in technology rarely occur without some resistance.

When the telephone was introduced in 1876, social adjustment to the new means of instant communication was not easy. Suddenly, there was a new outlet for rude behavior. "Companies cut off service to abusers and obtained legislation that fined or even jailed profane customers," writes Claude S. Fischer in "America Calling: A Social History of the Telephone to 1940." (University of California Press, 1992).

The book chronicles attempts by phone companies at the time to encourage courteous behavior. AT&T had "The Telephone Pledge" attached to phones: "I believe in the Golden Rule and will try to be as courteous and considerate over the telephone as if face to face."

A Pacific Telephone and Telegraph advertisement from the period advised consumers: "The voice should be clear, not loud."

The first operators were actually young men, but young women, prim and proper in manner and dress, were thought more likely to encourage good behavior, and soon replaced them.

Even the generation that scarcely remembers life without cellphones, let alone the rotary dial, has differing views of what constitutes appropriate cellphone behavior.

"I try to find a nice little corner where no one has to hear me," said Ben Ehrlich, 19, of New Rochelle. But with fewer pay phones available than ever, he feels people are entitled to use their cellphones publicly. "It's their cellphone — they are paying the bills."

Lauren Mozian and Sam Hyland, of Katonah, both 14-year-old high school students, feel the stigma directed toward cellphone users is unfair. "Even if you walk outside a restaurant to talk," Sam said, "They still give you evil looks anyway."

Lauren, who had her parents' cellphone, was shopping for her own. "When I get mine, I'll use it all the time," she said. "If you have it, why not? It's cool."

Jose Rodriguez, 30, of White Plains and his wife, Colleen, 26, disagree about appropriate public protocol.

"I'm literally never without it," Mr. Rodriguez said. "But she yells at me. I know it annoys her."

Mrs. Rodriguez contended that cellphone use in public is rude. "I hate when people use them," she said.

Mr. Rodriguez will turn off his phone in her presence, but uses it, even in restaurants, when she is not there.

Mrs. Rodriguez is a firm believer that when it comes to cellphone use less is more. "It is common decency more than a civil liberty," she said. "And law and etiquette aside, if you have been on the phone all day with your friends and family, what do you talk about at night at dinner?"

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# Nation



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10/30/2002 - Updated 10:06 PM ET

## NYC tackles cell phone etiquette

By Charisse Jones, USA TODAY

**NEW YORK** — New York City is lobbying the latest volley in the war on cell phones and could be first in the nation to penalize anyone chatting during a movie, concert or Broadway show.

With 135 million people using cell phones across the country, the device has been celebrated, denigrated and increasingly regulated. Up to now, the concern primarily was whether cell phones are a dangerous distraction while driving. But New York City's proposed law shifts the debate over cell phones beyond the realm of public safety and into the arena of social etiquette.

Talk isn't cheap in some local jurisdictions

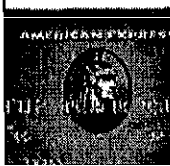
New York is the only state that bans drivers from holding cell phones while driving. About 40,000 tickets have been issued in the state since the law took effect Nov. 1, 2001. Several local jurisdictions have passed similar laws.

Location	Law in effect	Fine	Tickets issued
Brooklyn, Ohio	Sept. 1999	\$35	809
Conshohocken, Pa.	Feb. 2000 {+1}	Up to \$1,000	1
Lebanon, Pa.	April 2000	Up to \$75	NA
W. Conshohocken, Pa.	May 2000	Up to \$75	3 issued, 2 dismissed
Carteret, N.J.	Oct. 2000	Up to \$250	0{+2}
N. Olmsted, Ohio	Jan. 2001	\$3-\$75	45
Marlboro, N.J.	April 2001	Up to \$250	355; 138 warnings
Nutley, N.J.	June 2001	Up to \$250	NA
Walton Hills, Ohio	June 2001 {+1}	\$100	9

The City Council could consider the measure next month. Councilman Philip Reed is optimistic it will pass, though a few council members have expressed concerns. The bill would impose a \$50 fine on anyone who dials up or fails to turn off the phone's ringer during an indoor performance, be it at a library, art gallery or concert hall.

Eleven local jurisdictions in the nation currently penalize or restrict the use of cell phones while driving. Brooklyn, Ohio, the first city to pass such a law, has issued 809 tickets since September 1999. Last November New York became the first state to prohibit motorists from holding cell phones while driving, and New Jersey may soon become the second. The governor is trying to enact such a ban by January. The state has already restricted the use of cell phones by school bus drivers and those with provisional driver's licenses, and the broader ban has bipartisan support, says a spokesman

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<b>Sandy, Utah</b>	Aug. 2001 {+1}	Up to \$300	49
<b>Santa Fe</b>	Jan. 2002	\$94	318

1 — Ticket is issued only if another moving violation is committed;

2 — Does not enforce cell phone ordinance

*Source: Research by Zubin Jelveh and  
Caroline Binham, USA TODAY*

for the governor.

While many a moviegoer has suffered the annoyance of a ringing cell phone, some believe legislating cell phone etiquette goes too far.

"It is highly annoying when a cell phone goes off," says Kevin Brewer, a 31-year-old actor who had just switched off his cell phone while standing in the lobby of a Times Square movie theater. "That

shouldn't happen. But as far as a law with a fine, that's a little harsh. It's just common respect to turn it off, or on to vibrate."

Travis Larson, spokesman for the Cellular Telecommunications and Internet Association, called the proposal "a blunt instrument trying to fix a fairly small problem."

"We can't outlaw rude people," Larson says. "We can only hope to educate them. cell phones already come with a large number of tools to make them less invasive in public spaces."

However, there's also a burgeoning effort to stop the growing number of local laws and ordinances that restrict cell phone use while driving.

Six states have overridden such laws or prohibited local jurisdictions from enacting them. This year, Florida and Mississippi passed laws banning local restrictions. Oklahoma and Oregon have also imposed such prohibitions. In 2000, a Pennsylvania county court overturned one township's ban on using a hand-held cell phone while driving, saying only the state could set driving regulations.

And in March 2001, the Massachusetts attorney general said the Boston suburb of Brookline could not enforce its restriction because state laws allows the use of a cell phone as long as one hand remains on the steering wheel.

Legislators argue that there should be continuity throughout their state instead of a patchwork of local restrictions. But some also say more information is needed about how much danger is posed by driving and talking on a cell phone.

It is "very important to find out just where the use of cell phones stands as a distraction," says Florida state Sen. Jim Sebesta. "Is it a serious problem or is it not? And at this point, it's anyone's guess."

Because cell phones enable people to quickly report emergencies, for instance, it is difficult to get consensus on whether to regulate them, experts say. Particularly in the wake of last year's terrorist attacks, when cell phones were a lifeline between victims and their loved ones. This year, 31 states considered passing restrictions on the use of cell phones while

driving, says Matt Sundeen of the National Conference of State Legislatures. So far, none has passed.

"What you've got with cell phones, which you didn't have with seatbelts or drunk driving or similar traffic safety topics, is there's a lot of utility to having a cell phone," Sundeen says. "It's not like it's just a useless tool out there annoying a lot of people. ... And that's why you don't see a lot of these cell phone bills passing."

Yet a tug of war continues. Even as Amtrak provides "quiet cars" where no cell phones are allowed, companies are working on technology that would allow cell phones to be used on commercial flights without interfering with an airliner's electronics. And while talk of cell phones as a public nuisance is a vastly different discussion than whether they are a potential danger on the road, Sundeen says concerns about both are fueling such measures.

Councilman Reed says he introduced his proposal after hearing from people whose evenings were marred by loquacious cell phone users. He says police would not have to spend all their time ticketing talkers. Rather the law would give theater patrons leverage to deal with those who are less considerate.

"People feel empowered to at least speak up if there's a law that says you can't do this," Reed says. "It's probably the most popular thing that I've ever introduced."

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A Match.com advertisement banner. On the left, it says "I can burp Jingle Bells in one breath" next to a small photo of a person. In the center, there's a search bar with "I am" followed by a dropdown menu showing "F" (Female) and "Seeking" followed by a dropdown menu showing "M" (Male). To the right of the search bar is a "Go" button. The Match.com logo is on the far right.

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## Hush-Hush Hooray, Says NYC By Elisa Batista

**Story location:** <http://www.wired.com/news/business/0,1367,54608,00.html>

02:00 AM Aug. 17, 2002 PT

As much as New Yorkers love to talk, they appear to be inclined to support legislation that prohibits people from using their cell phones in public.

In what would be the first such ban in any U.S. city, New York City Councilman Philip Reed recently proposed legislation that prohibits the use of mobile phones in "places of public performance," such as movie theaters, art galleries and libraries. The bill makes an exception for emergency phone calls, but punishes people who infringe on the law with a \$50 fine.

Reed's bill is gaining momentum and has a good chance of passing.

"It's a slam dunk," Reed said. "This is going to be a law."

Reed said that only one of 25 city council members he has pitched his bill to wouldn't support it. Even Council Speaker Gifford Miller is on board in support of the bill.

"This isn't a matter of Big Brother watching you on your cell phone," said Miller's spokeswoman, Lupe Todd. "It is a quality-of-life issue."

As Todd pointed out, cell-phone talkers have been received badly in theaters on Broadway. In the middle of one of his productions, Kevin Spacey turned to a person who answered a cell phone and said, "Tell them you're busy." Actor Laurence Fishburne, in the middle of a performance, yelled to a member of the audience, "Turn your fucking phone off!"

"To be honest, we haven't heard anyone say, 'Damn it, she has the right to use her phone in the theater even though I paid \$90 for this ticket,'" Todd said. "We're confident that the people of New York will take this legislation in stride."

Members of the cell-phone industry expressed incredulity that the bill has been met with this much fanfare.

"There's more pressing issues in the city right now," said David Samberg, spokesman for Verizon Wireless. "The city's resources can be spent in much better ways than handing out \$50 tickets to people with poor manners."

Kim Kuo, a spokeswoman for the Cellular Telecommunications and Internet Association, said the industry preferred educating people on cell-phone etiquette than slapping them with fines. The industry opposes such laws for emergency reasons, she said.

"What he (Councilman Reed) said on CNN is that he wanted to take people's phones away," Kuo said. "What kind of disturbance would that result in -- New York, especially?"

Reed, however, isn't backing down. He compares his cell-phone bill with the city's anti-smoking campaign.

"Have the police been in the theater to tell people to stop smoking?" asked Reed.

Reed introduced the bill after experiencing the annoyance of a cell phone ringing in public. His friends, he said, have told him their fair share of anecdotes of rude cell-phone callers and hinted to him that he ought to introduce a bill.

He doesn't buy the story that people *need* the phones in a theater to report an emergency.

"Shut up and get up," he said. "Nobody is going to take you to jail if you put your phone on vibrate. Get your ass out of the seat and go to the lobby (to take the call). How complicated is that?"

Some New Yorkers share his pain.

Becky Saldana, manager at the Viva Tequila bar and restaurant in Manhattan, said she wouldn't mind seeing the ban extended to restaurants.

"Cell phones should be used in the street, not in a place where people are trying to relax or have a nice dinner," Saldana said. "If they want to use the cell phone they should leave the premises and go where no one can listen to their conversation."

Gian Luca, a manager at the F. Illi Ponte Ristorante in Manhattan, said he wouldn't mind seeing a restaurant ban on ringing cell phones and those "Nextel phones that work as walkie-talkies."

"It's not so much the conversation over the phone, but the ringing," Luca said. "The conversation goes on over the table, regardless. As long as they keep it to a regular volume, that's OK with me."

CTIA's Kuo said she doesn't know of any cities in the country that prohibit cell-phone use in public places. New York would be the first city to consider it, she said.

New York is the only state in the country to prohibit cell-phone use while driving. About 300 towns and cities across the country have similar bans.

Abroad, residents of the city of Campinas, Brazil, are regularly yanked out of their

movie seats, escorted out of libraries or barred from classrooms if their cell phones ring. People who infringe on the city's no-cell-phone rule are fined up to \$135.

A hearing on Reed's bill is likely to be heard in September, Reed said. Reed's bill could become law as early as November, he said.



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**CEI's Fred Smith Discusses Proposed Cell Phone Bans On CNN Crossfire**

Transcript

by Fred L. Smith, Jr.

August 15, 2002

**SHOW:** CNN CROSSFIRE

Thursday, August 15, 2002

**HEADLINE:** Should Cell Phone Use Be Banned In Places Of Public Performance**BYLINE:** Paul Begala, Robert Novak**BODY:****ANNOUNCER:** CROSSFIRE. On the left, James Carville and Paul Begala. On the right, Robert Novak and Tucker Carlson.

[...]

**NOVAK:** Welcome back to CROSSFIRE. We're coming to you live from the George Washington University in Foggy Bottom, D.C.

What's happening to New York City? First Mayor Michael Bloomberg declare war on cigarettes in restaurants and even saloons. Now a city councilman has come up with a bill to ban the use of mobile telephones in places of public performance, including theaters, concert halls, libraries, galleries and movie houses.

Councilman Phil Reed of New York joins us from our New York bureau. And here with us in Washington is **Fred Smith, founder and president of the Competitive Enterprise Institute** -- Paul.

**BEGALA:** Gentlemen, thank you both for joining us. Councilman Reed, since this was your idea, let me start with you. Seems to me, the purpose of the law is protect public safety, so we outlaw things like mugging and murder. Even smoking, where other people would breathe your smoke, but this is not about safety, is it? It's about -- legally, it's about politeness.

**PHIL REED (D), NEW YORK COUNCILMAN:** It's a quality of life issue. It's a quality of life issue. Right, and we are today running about 15-1 in terms of the support behind this bill that we've gotten both in the city and nationally.

People are just fed up with the behavior of some of their fellow citizens that really just doesn't recognize that not all of us want to know everybody's business. So, you know, what we're simply saying to you is, while I paid good money and you, perhaps, paid good money, you may not want to see the show, I do.

So we'd ask you to turn the phone off. This bill allows the theater owners to have something to be able to point to when there's a disruption, and say, there is a law, Sir, or Ma'am. You can't use your phone. Please turn it off. It's really very simple.

I don't think anybody's liberty is threatened.

**NOVAK:** Fred Smith, I was in -- a couple weeks ago -- in a jury room in the District of Columbia, doing my civic duty. All of a sudden, it sounded like it was -- we were out on the street. All these people on their cell phones. Doesn't that kind of stuff annoy you?

**FRED SMITH, PRES., COMPETITIVE ENTERPRISE INSTITUTE:** It annoys me a lot. But every new

**technology, Bob, has to take a while to get civilized. The telephones, when it was first introduced, were a little clumsy. Television sets, you used to walk in, if you were watching television.**

What's happening is a natural way of letting that happen. To try to turn etiquette guides into statute books is -- doesn't New York city have serious problems? Can't the councilman have something real to do, to address real problems?

NOVAK: Councilman Reed, I don't know if you go to the theater much. I bet you do. I go to the theater a lot here in Washington. And before the performance, at the opera, at the Shakespeare Theater, they all say, will everybody please turn off their cell phones?

And everybody takes out their cell phone, turns its off. I've never heard one go off. Doesn't -- in a theater -- doesn't this work very nicely?

REED: Bob, you find yourself in a real minority, unfortunately, because particularly in movie theaters and other places, unfortunately people are using the cell phones. Sometimes they'll call in the middle to tell people what the action on the screen is. But I think, you know, yes, the management now has a tool. Most people, if you tell them there's a law, they will follow -- oh, OK, I guess I can't do that.

And that's fine. So -- but there are a few knuckleheads out there that probably need to have some encouragement. This morning someone said to me, you know, if I just knew that I could say to them this was against the law. So that's really all we're trying to do, and I think the voting public is going to be very supportive of this, because everybody is nervous, afraid these days. People spend good money. They just want to sit back and relax, and you've got some lout in front of you that just feels like he wants to perform.

BEGALA: In fact, Fred Smith, if you go to a Broadway Show, it's at least, say, \$100. That's a lot of money.

**SMITH: A lot of money.**

BEGALA: So I plunk down \$100. I'm watching that show, and some jerk's cell phone goes off next to me. That's stealing from me, right? That's robbing me of part of the pleasure. It may even, in fact, distract the performer.

Laurence Fishburne was on Broadway. Somebody's cell phone went off. He actually said -- put this on the board for the folks at home -- "Will you turn off that f-ing phone, please? Turn it off!" Laurence Fishburne, who -- now, that's got to rattle the actors, it's distracting the audience. It's a form of robbery, right?

**SMITH: No, it's not a form of robbery. It's a form of failure of etiquette of civilized behavior. And I would imagine -- there you go. You see. You do it yourself there.**

(PHONE RINGS)

BEGALA: It's not going to bother you.

Grandma!

**SMITH: It's not bothering me at all.**

BEGALA: It's my grandmother. She watches every night. Yes, Novak is handsome, Grandma. I've got to go.

**SMITH: One of the interesting things about this -- and this is worth talking -- and the councilman maybe can know this. You know, most of the time we rely on people's behavior. The concert manager has every incentive to ensure quality of life. They're going to lose sales if they allow that behavior for a while.**

**But you know, the FCC, regulators, the Federal Communication Commission, has prevented us from allowing technology that would block such cell calls in restaurants and theaters and so on. The irony is we pass laws that block people from using civilizing technology, and then we pass a fine to arrest them if they don't use it.**

**You know, this is the kind of silliness that's caught America. We've got a Constitution that guarantees life, liberty and the pursuit of happiness, not quality of life.**

NOVAK: You know, what Fred said, to follow that up, Councilman, I worry about what's happening in New York, which is a great city.

You can't have a cigarette in a bar, if the mayor has his way. You can't go to any restaurant that has smoking. You know, I do a lot of obnoxious things, and they're going to make some rules about me next. That's what scares me, you know. Maybe they'll put a rule against three-piece suits or something like that.

(CROSSTALK)

REED: First of all, I want to assure everybody that we are looking at some serious issues here in the city of New York and addressing those. We had a council meeting today in the middle of August to talk about some very substantive policy issues for urban America. But when we are also talking about the quality of life and the serious part of it, first of all, it's summer. So I think, you know, we all could sort of step back and humor ourselves a little bit. There is a serious edge to this piece of legislation about cell phones.

But, you know, we are interacting with people as citizens. And I think there ought to be a dialogue about how we think we ought to best behave and put ourselves forward. So, that's part of really what this bill is today. I'm not sure what Mike Bloomberg is trying to accomplish. My feeling is -- while it's legal to smoke and it's legal to drink, you ought to be able to do both of those at the same time. I'm not sure you ought to be able to eat...

(CROSSTALK)

BEGALA: Mr. Smith gets the last word. Go ahead.

**SMITH: That's when, you know, there is -- how are we going to generalize this. Are we going to go after crying babies in theaters, the coughers or, you know, that one real serious issue, the loud talker, that "Seinfeld" episode, New Yorker I should point out.**

REED: Well, you take a loud, crying baby to the theater and see what happens.

BEGALA: That's going to have to be the last word.

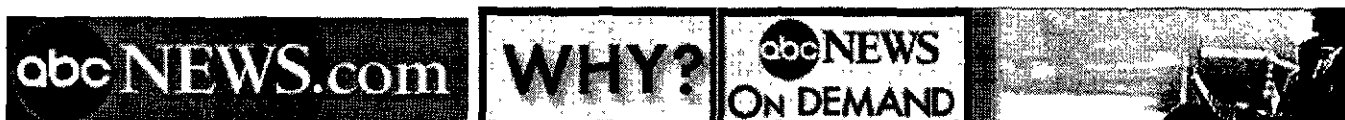
**SMITH: They don't fine you for having children in America.**

BEGALA: Councilman Phil Reed in New York, thank you very much for joining us.

(CROSSTALK)

Fred Smith here in Washington, thank you very much, the Competitive Enterprise Institute.





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## Backlash Against Cell Phones

### More Restaurants, Businesses Ban Devices

☒ Cell Phone Ban

abc NEWS.com

April 17 — Restaurateur Ed Moose had heard enough when a customer in his popular eatery used his cellular phone to call a buddy at the other end of the bar.

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Sometimes cell phone users leave the party to talk but that's not always the case. Now businesses and restaurants, even in Silicon Valley, are banning cell phones and the chatter. (Suzanne Plunkett/AP Photo)

"I could see it coming and I wanted to stop it before it became bad," said Moose, who recently banned cell phones in his San Francisco eatery. He's not alone. Schools, businesses, and governments are all cracking down.

"There's a total backlash going on," said Carolanne Lynch, bar manager at Dine, another San Francisco restaurant that has banned cell phones. "Everyone is tired of all the noise."

In January, a Philadelphia suburb banned the use of phones while driving and a California town shut them out of its planning department. More and more school districts are telling students to leave the phones in their lockers. And restaurants are creating cell-phone-free zones.

Even a spokeswoman for the Cellular Telecommunications Industry Association, the cell phone companies' lobbying group, said that there are some times when silence is golden.

"There are times that it is inappropriate to make or receive phone calls," Lisa Ihde admitted. "There are emergency professionals that need to be contacted all the time, but there are far fewer people that, if their voice mail picks up while they're in the theater, something seriously wrong is going to happen," she said.

### Safety First

Three municipalities have already instituted bans on cell phones while driving. Brooklyn, Ohio led the crusade last year, followed by Hilltown, Pa. in December and Conshohocken, Pa. this winter.

Philadelphia, Chicago, Aspen, and 22 states are all considering cracking down on drivers' cell phone use, said Matt Sundeen of the National Conference of State Legislatures. They would join 13 countries, including Germany, that all have restrictions on the use of car phones.

"We're definitely seeing a lot more people talking about the issue and a lot more states considering it," he said.

Of the approximately 80 million cell phone owners in the country, 85 percent use cell



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phones while they're driving, Sundeen said.

A 1997 study published in the *New England Journal of Medicine* concluded that talking on a cell phone while driving quadruples the risk of an accident. The problem, the study said, is distraction.

Patricia Pena of Hilltown, Pa. found that out the hard way. Her 2-year-old daughter was killed when a distracted driver, talking on his cell phone, ran a stop sign and plowed into her car. He was fined \$50 for reckless driving, and now she has become a crusader who has pushed for the car phone bans in Hilltown and Conshohocken.

"It's too late for my daughter, but I feel compelled to lobby for my baby and for other peoples' babies," she said.

Inde pointed out that cell phones are useful for contacting emergency services, but said "there are situations while we're driving in a car when we can't do anything other than drive in the car safely."

Safety is also on the mind of the Federal Aviation Association, which has banned cell phones on moving airplanes because they could interfere with radio transmissions between the aircraft and the ground. FAA spokeswoman Kathryn Creedy said there have been some scary situations.

"There have been many incidents reported to the aviation safety reporting system and we are continuing to monitor those reports," she said. "Nobody's proven that [cell phones] are harmless. Therefore, they are banned."

## Pros and Cons in Schools

Schools are also getting sick of cell phones — though the issue is something of a double-edged sword.

A growing number of school districts are banning student cell phone use. If parents want to reach kids, said Michael Wessely of the National School Boards Association, they can call the principal's office.

"School districts and law enforcement agencies say those electronic devices are used more often than not for drug related and gang related activities," he said.

A few school districts think otherwise. They remember students calling parents on cell phones during the Columbine shootings last year and think the phones could be useful in emergencies. Some school districts in the Philadelphia area are considering rescinding their cell phone bans, the *Philadelphia Inquirer* reported recently.

The Lenape Regional High School District in southern New Jersey has taken a middle course, spokeswoman Patricia Millich said. Students can bring their cell phones to school to call parents, but they have to leave them in lockers during most of the day.

"We found that a lot of parents felt a little safer knowing the students had the phones," she said. Students have used phones after bomb threats to call parents and reassure them, she said.

But for emergencies during class, teachers have access to ordinary wired phones in each classroom, Millich said.

"You can't have kids carrying phones in the classrooms ... the temptation [to use them] is too great," she said, echoing many school administrators' concerns.

## Eat Your Cell Phone

It's not just California restaurant owners telling mobile phone users to stick it in their ear. Restauranteurs around the United States are getting sick of the 42 percent of cell phone owners who have made calls from lunch or dinner, according to the National Restaurant Association.

"Many restauranteurs and their customers find the persistent ring of the cell phone, and the often high-decibel conversation that follows, annoying" — leading one out of five pricier restaurants to institute a formal cell phone ban, the association said in a statement.

Vox, a trendy new restaurant in Manhattan's Greenwich Village, may be starting a trend by having a special "cell phone zone" where wireless aficionados can chatter away without bothering the rest of the patrons.

Other bastions of fine culture hope that gentility will carry the day. At Carnegie Hall, they have no formal ban, but ushers will remind customers with ringing phones to take their calls outside, said Carnegie spokeswoman Molly Watkins.

That might help satisfy actor Laurence Fishburne. During a performance of *The Lion in Winter* on Broadway last April, he stopped the show and hounded a cell-phone user out of the room.

He received a standing ovation.■

ABCNEWS.com's Sascha Segan and the Associated Press contributed to this report.



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## The Ceiling of America

### No Longer a Novelty, Mobile Phones Ring Everywhere

By Judy Muller

**LOS ANGELES, May 3** — When Jesse Jackson met with the three captured American soldiers in Belgrade, he handed them a cell phone so they could call their families.

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As I followed the story's progress, ending with the soldiers' release, it was a detail that stuck with me. I'm not sure why; perhaps it was the strange juxtaposition of prisoner-of-war isolation and state-of-the-art communication.

At any rate, cell phones are now so ubiquitous that they've popped up at a prisoner release in the Balkans, a place so divided and disconnected it actually gave birth to a word to describe the phenomenon. And yet here, in this "balkanized" land — the geographical embodiment of tribal divisions and great-power imperialism — a cell phone united three lonely young men with their families a world away.

### New-Found Necessity

Marshall McLuhan foretold the "global village" many years ago. But it is still breathtaking to realize how quickly the Internet and satellites and cell phones have radically altered our lives.

I was probably among the last holdouts in the cell-phone craze here in Los Angeles. When I finally gave in and got one, I told myself it would stay in the car and be used only for emergencies.

It now goes with me everywhere, and is used for absolutely everything — from the personal to the professional. In fact, when my reception is suddenly static-ridden or cut off entirely, I find myself cursing the bad cell service.

In other words, something I thought I didn't even need a few years ago has now become such an "essential" item, I resent any disruption in service.

### When Convenience Becomes a Curse

That said, however, it seems that cell-phone use has outpaced cell-phone etiquette.

I've seen (and heard) people answering that jingle in their purse (or pocket) in theaters, concert halls and restaurants. I even saw a guy talking on a cell phone while fishing in a beautiful mountain stream.

For those of us who go to such places to get away from jingling phones and jangled nerves, such a sight borders on blasphemy. Let me amend that: It *is* blasphemy. Even in the global village, wired to the max, there should be quiet sanctuaries, safe from cell phones and pagers and computers.

On the other hand, for three U.S. servicemen who had been cut off for weeks from all contact with the world, not to mention each other, a cell phone must have been a startling and wonderful sight. ■

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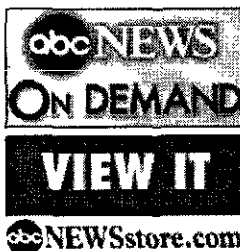
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## Cell Phone Users Need to Call Miss Manners

Monday, November 18, 2002

By Robin Wallace

### FOX NEWS

A few years ago, I arrived at the beach house of a friend expecting to enjoy a weekend of socializing with the other guests. Instead, I sat on the backyard deck reading a magazine while the nine other people lounging on the deck chatted separately to persons unknown on their cell phones.

What would happen if all the people on the other end of those calls suddenly showed up, I wondered. Who would everyone talk to then? Was there some kind of cell phone cult protocol that required a certain number of people to always be waiting elsewhere to be reached out and touched?

That was a few years ago. Cell phone use has now established an expectation of immediate accessibility and availability in our culture with which you don't really have much choice but to comply. Our social and business customs have been so transformed that it's difficult to function without one. I resisted cell phones because, if anything, I'd like to make calls, and be called, *less frequently*. But instead, I just spend an inordinate amount of my time scavenging for functioning payphones. Suddenly, I feel like one of those weird people who still don't have e-mail. I'm getting a cell phone this weekend.

I don't think there's anything necessarily wrong with this. The safety and convenience advantages of cell phones are undeniable. What disturbs me is that while the quantity of our communication capability has tremendously increased, the quality of that communication has dismally decreased.

The other night, a woman sharing a taxi with me also shared the most intimate details of her life as she chatted on her phone continuously for the duration of the cross-town ride. I learned about her health problems, her sex life, her financial woes, and her very creepy boss.

At the gym, people huff and puff into their phones while running on the treadmills and pumping their stair masters, unwilling to silence the ringing even during yoga class. People fight with their lovers while grocery shopping and conduct business deals during dinner parties. I find myself learning things about perfect strangers that I wouldn't want to know about my closest friends. There doesn't seem to be any *personal information* deemed too sensitive to be broadcast to a packed bus or train.

I don't mind when the woman sitting behind me on the train checks on her kids or the banker ahead of me at Starbucks lets his office know he's running late. But judging from the cacophony of conversation I am forced to overhear everyday, it seems Americans have fallen deeply in love with the sound of their own voices. Here's a flash to all you verbal exhibitionists out there: Your lives are not nearly as interesting as you think they are.

And then there are the friends and family who whip out their phones and dial up, or answer a call from, someone else when they're supposed to be dining, visiting or driving in a car with you. Or the people who will no longer agree on any definitive social plans, responding to every attempt to nail down a specific time or place with, "Well, just call me on my cell." Or the people who call you *from* their cell phones while they're driving, and make you hang on while they drive through tunnels and mountains and the connection fades in and out.

It seems pretty obvious to me that all of this is just plain bad manners, behavior that is in clear violation of the basic rules of common courtesy we were all taught as children. Our parents may not have been able to specifically teach us to turn our cell phones off in a theater or church or that it's rude to dial them up when in the live company of someone

else, because cell phones didn't exist back then. But shouldn't we be able to extrapolate an appropriate technology etiquette from what we *already know about polite behavior*?

A New York City councilman was recently the center of a minor local media dust up because he proposed legislation that would fine people whose cell phones rang in theaters and concert halls. The local papers accused him of trying to legislate good manners. It's true, such a law would be the equivalent of a law prohibiting people from speaking with *their mouths full*. But apparently, it's necessary. After all, Queen Elizabeth was forced to issue an official ban on cell phone use within Buckingham Palace. Even the very proper English needed some government guidance on this one.

And what about the laws being enacted in communities across the country banning *driving while on the phone*? Wouldn't it seem that even a below average amount of common sense would allow us to figure this out for ourselves? Again, apparently not.

Maybe we can't for the same reason a close friend of mine wears her cell phone and pager strapped around her waist like a gun holster, swaggering into rooms *under the technological weight of her own importance*. A generation ago, she might have been the woman swathed in jewels and furs. Maybe technological devices are the jewelry of the new millennium, and what good is having them if you can't flash them around? How better to prove to the world you really are *somebody* than to be in constant demand by an unseen dialing throng?

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# In Focus

December 2002

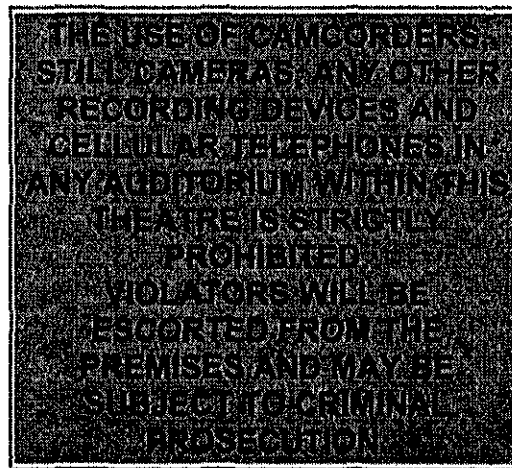
## Camcorders and Cell Phones: What's An Exhibitor To Do?

by Belinda Judson

Executive Director, Mid-States National Association of Theatre Owners

Each time NATO's Regional Units Committee meets, the issue arises regarding what to do when a patron is caught using a camcorder in your auditoria. There always seems to be general confusion about what should be done. More recently, there have also been an increasing number of questions about how to handle patrons refusing to turn off their cell phones or talking on their phones during the show. Many exhibitors have expressed the concern that patrons have taken to confronting one another, resulting at times in actual fistfights or screaming matches during the film, or a showdown in the parking lot afterwards. We thought therefore it would be helpful to get clarification on these two issues from the MPAA and NATO's general counsels.

Let's talk first about what we can do. Short of camcorder and cell phone legislation in each state (there are a few states that currently have camcorder statutes on the books – but more on those later), the recommended solution is for each company to institute its own policy regarding the use of cell phones and camcorders in their auditoria. This policy should then be clearly posted in your theatres. The patron is thereby put on notice, and when escorted from the premises, he knows that management is following company policy. The suggested language for your theatre sign is as follows:



NATO's general counsel has cautioned us to remind you that there are some patrons such as physicians and parents with young children who legitimately need to be available by cell phone in case of an emergency. These patrons, however, should put their phones on vibration mode and leave the auditoria when taking calls so they do not disturb others. Managers should use their own discretion when dealing with these exceptions. However, counsel advises us not to post these exceptions on your signs since everyone would then claim that they too have a legitimate reason to use their cell phones in the auditoria.

Please note that the language on the sign does not prohibit patrons from using their cell phones in your lobbies, but restricts them only from using them in the auditoria. Many of you expressed the sentiment that you feel it is important for patrons to be able to use their phones in your lobbies to call parents, check on babysitters, etc.

Now to address what we are advised not to do when catching a patron violating this policy. Without specific camcorder or cell phone legislation in your state, you are advised not to try to detain the violator. Management should also not attempt to confiscate the perpetrator's cell phone or camcorder. As the laws stand now in most states, the best solution is to simply remove the patron from the premises.

There are, as they say, exceptions to every rule. The states of California, New York, Pennsylvania and Wisconsin all have camcorder-type statutes on their books. The statutes are different in each of these states and too lengthy to get into in this article. Therefore, if you are not familiar with the camcorder statutes in these states, we would recommend that you check these with each state's NATO affiliate. Hopefully, this information will help alleviate some of the confusion that exists on these issues and will be useful to you in your operations.

Here's to a peaceful (and non-infringing) moviegoing environment! **in Focus**



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## Phone Firm Fights 'Cell Yell'



### A Surprising Partner In a Campaign for Cell Phone Etiquette

The "Quiet Zone" logo, designed by phone manufacturer Nokia and the San Diego Mayor's office, can be seen in hundreds of businesses, schools and libraries across the country. (Nokia)

By Romy Ribitzky

abc NEWS.com

Aug. 6 — San Diego has enlisted the help of an unlikely ally in the effort to quiet the angry backlash against obnoxious cell phone users — the world's largest mobile phone maker.

Nokia, concerned about the growing demand for cell phone etiquette, has teamed up with San Diego Mayor Susan Golding in an unusual campaign to encourage courteous cell phone use.

The issue of polite phone usage hits home for Golding. At a movie screening last year, the mayor said she repeatedly heard cell phones ringing and was surprised at the lack of consideration her fellow moviegoers exhibited by answering the calls.

For a city Golding considers to be among the most advanced in the field of wireless communication, she said she expected people would be more technologically savvy and use better mobile phone etiquette.

### Calling on the Public

Curious about what her community thought, the mayor posted an online poll asking whether citizens would support restricting cell phone usage in certain places. The response was overwhelming. "Of the nearly 5,300 responses to the poll, respondents most often voted for cell phone restrictions in movie and performing arts theaters and classrooms," says

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**Golding.**

But it's not just people in San Diego who are bothered by cell phones. These days it seems virtually everyone has an annoying cell phone story. From people carrying on loud conversations in restaurants, to students taking calls in school, it is hard to find someone who doesn't have an opinion on when and where it's appropriate to talk on the phone.

And the issue has garnered national attention. As cellular phone use continues to grow — there are currently more than 100 million users in the United States alone, with 46,000 new ones daily — so do the outcries for mobile manners.

With that in mind, Golding decided that wireless phone usage was a problem that could not be ignored.

**Teaching Mobile Manners**

Back in San Diego, an unlikely partnership between Nokia and Mayor Golding began to form. The phone manufacturer decided to shoulder the responsibility of informing the public on how to be more considerate when using a mobile phone.

And what began last year as "Cell Phone Courtesy Week" in San Diego has now developed into a multi-phase, nationwide program. So far the project's notable accomplishment is creating the "Quiet Zone" logo. Posted in hundreds of businesses across the country, it designates a cell phone free environment.

Along with the logo, Nokia and the mayor's office have issued guidelines for good mobile manners. Included in the suggestions are tips on how to use certain features on the phone to cut down irritating behavior (see below).

"We wanted to educate the public on how to use the technological advances in order to be more responsible and courteous in public spaces," says Denise Crew, a public relations representative at Nokia. "You don't need to yell into the phone anymore to be heard."

Crew points out that the microphones now installed on most mouthpieces are so sensitive they can even pick up whispers. And manufacturers say that one advance in particular can dramatically reduce the annoyance factor. More and more handsets now feature a text messaging option where people exchange messages which appear instantly.

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**"Just because new technology exists, people don't know how to use it. People shape technology just like technology shapes society."**

Jill Stein  
Director, Cultural  
Research Consultants

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[Qualcomm](#)

38

While such a campaign is not ideal, it is helpful, says Jill Stein, a sociology professor at UCLA and director of Cultural Research Consultants in Santa Monica, Calif. "Just because new technology exists, people don't know how to use it. People shape technology just like technology shapes society. The use of cell phones is still being defined and we need to continually address it as we incorporate it into our habits and norms of social behavior."

Stein adds that there's no question wireless communication is fast becoming the preferred method of staying connected, especially now when time seems so compressed and there's a strong emphasis on instant gratification. But she warns that cell phone users may be stigmatized in a manner similar to cigarette smokers, banished outdoors until society accepts the idea that old methods of communication are slowly becoming extinct.

As the usage of landlines and frequency of face-to-face interactions change, manufacturers as well as service providers have the incentive to continue improving the technology. Already traditional phone companies such as AT&T and Sprint focus research and development on their wireless units rather than traditional services.

And while the debate on usage rages on, the only certainty is that cell phones are going to continue ringing for a long time.

## Courtesy Guidelines

- **The person you are with is the most important person to talk to** - Utilize the Caller ID feature for screening options. You may decide to let voice mail take the call and return the call at a more appropriate time.

- **Use Text Messaging to Simplify your life** - Are you expecting important information from a colleague but need to be in a public area? Switch your phone to message mode and ask them to send a text message to your phone.

- **Change the ringing tones on your phone to match the environment you are in** - Use a loud ring for outdoors, but inside use silent or vibrating options.

- **Turn off your phone during public performances or while in public spaces** - In certain public areas, such as movie theatres, plays, churches, museums and libraries, talking can be considered disruptive, and can violate basic courtesy. If you are expecting an important call, use text messaging.

- **Don't engage in cell yell** - Most phones have sensitive microphones that can pick up even a whisper. There is no need to speak louder on your cell phone than you would on any other phone. Use your best

judgment when in a cab, train or any other environment where you might subject a "captive" public to your conversations.

— *Nokia and Mayor Susan Golding's Courtesy Campaign*

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(40)

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JUNE 14, 1999

## Call of the riled

*Taking action against the boors of the wireless world***By Kenneth Terrell; Sara Hammel**

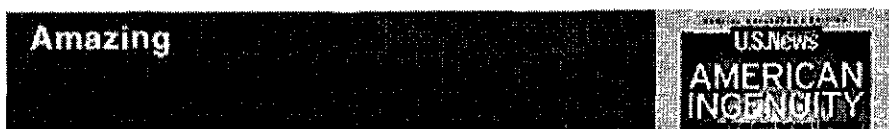
During a performance last March of the Broadway play *The Lion in Winter*, an audience member's cell phone rang. After putting up with the annoyance for 20 seconds, actor Laurence Fishburne stopped the scene and boomed: "Will you turn off that f---ing phone, please?" He got a rousing ovation. QQIt has not yet risen to an organized consumer movement, but there are unmistakable signs of a backlash against the 75 million handheld communications devices now on the American scene. More affordable and easier to use than ever, cell phones keep users in touch whether they are on the road, at the grocery store, or in the middle of a national park. QQAnd therein lies the problem. For every businessman grateful for being able to close a deal in Los Angeles while lunching at a restaurant in New York, there is another patron who wishes he would shut up. And for every commuter efficiently chatting with the home office while rolling down the interstate, there is another motorist wishing he had one of those bumper stickers that says "Hang up and drive." QQDriving danger. A cell phone conversation is not the same as a face-to-face one: It's often louder, for one thing, because people mistakenly think they have to shout to be heard on the other end, and it's annoying for eavesdroppers because it goes only one way. On the road, a cell phone conversation is downright dangerous. According to a University of Toronto study, car phone users are four times as likely as other drivers to have an accident. "Cell phones have merged everything into one all-purpose space," says Paul Levinson, a communications professor at Fordham University and author of *Digital McLuhan: A Guide to the Information Millennium*. "There are no guideposts. We do what we want regardless of where we are." Now, however, as the liabilities of cell phone use start competing with the benefits, society is instituting some rules of wireless behavior, both on and off the road. QQExamples of boorish cell phone conduct abound. At the Pillar House restaurant in Newton Falls, Mass., in April, a cell phone owner wanted to avoid annoying the people at his own table, so he turned to diners at an adjoining table and conversed loudly toward them. In a class for MBA students in Milwaukee last month, a professor talked on his cell phone through much of a student presentation that counted for 20 percent of the student's grade. QQCell phone users seem to have no clue how rude or careless they can be. In a new survey by SBC Communications (whose brands include Cellular One and Pacific Bell), 53 percent of respondents gave other wireless phone users a C, a D, or an F

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(41)

for manners. Encouragingly, most found it inappropriate to use a wireless phone at a funeral (98 percent), a restaurant (86 percent), or a movie theater (96 percent). Oddly, however, 83 percent of the respondents gave themselves an A or a B for cell phone manners. QMany cell phone users are unapologetic about their habits. Kathy Posner, a public relations executive and self-described loud talker from Chicago, keeps one phone in her purse, another in her briefcase, and two in her car. She sees nothing wrong with talking in a restaurant or on the train. Soon, however, she and her cell-phone-loving cohorts may find themselves without a choice. QShush! The Hampton Jitney, a bus that shuttles thousands of power brokers and beautiful people from Manhattan to Long Island's posh eastern end, limits cell phone calls to three minutes each and allows them only when absolutely necessary. Offenders will be gently reminded. Tom Neely, vice president of marketing for the service, says the policy was instituted two years ago after customers said they didn't want to listen to other people's business or personal affairs. "Cell phone users don't know how loud they are talking," Neely says. QCloud talkers are an irritant to the restaurant industry as well, and many of the better restaurants are doing something about them. After numerous requests at the Pillar House, phones were banned from its dining room. The St. Louis Club in Missouri allows cell phones only in its lobby; New York's Old Town Bar displays a picture of a cell phone with a red line through it; and several other upscale Manhattan eateries, including trendy Union Square Cafe, prohibit phones in their dining rooms. QSB Communications recently launched a campaign to make proper cell phone etiquette as common as the phones themselves. In its April survey of wireless phone users, the company enlisted Peggy Post, great-granddaughter-in-law of manners maven Emily Post, to interpret the results and offer solutions. Her simple guidelines: Don't talk during lectures, concerts, plays, and movies; use a vibrating phone instead of a ringer; and keep your conversations very short. QThe penalty for cell phone use while driving can be bodily injury, not just missing a few minutes of a movie. "Everyone thinks they can handle talking on the cell phone, eating snacks, changing radio stations, and driving a stick shift without having an accident," says Julie Rochman of the Insurance Institute for Highway Safety. But, she says, "There's no doubt about it: It's going to increase your risk." QAs a result, more communities are considering laws to limit the use of wireless phones behind the wheel. In March, a few weeks after a phone-using driver crashed in front of the Brooklyn, Ohio, City Hall, the Cleveland suburb passed a law making it illegal to use a cell phone while driving unless both hands are on the wheel. QThirteen states are considering bills that restrict the use of phones while driving. But only three--California, Florida, and Massachusetts--have passed any laws, and none of those is outright prohibitive, focusing on keeping one hand on the wheel and one ear free for traffic noises. The argument against such laws, says Matt Sundeen, a policy specialist at the National Conference of State Legislatures, is that "cell phones are part of people's lives now, and that's too difficult to take away." Even those who approve of restrictions admit they are difficult to enforce: How do the cops prove you were using your cell phone when you caused that 10-car pileup? Critics of restrictions also point to the positive safety features of cell phones: Thousands of people each day use wireless phones to report accidents and other incidents they witness from the road. QTrying to fend off legislation, the wireless industry has mounted a driving-safety-awareness campaign. The National Highway Traffic Safety Administration, along with InsWeb.com (an insurance-information Web site), also offers road-related advice: QKeep your phone in easy reach so you can grab it without taking your eyes off the road. QMemorize the keypad and functions to make dialing easier. QHang up in heavy traffic and in hazardous driving conditions. QAnd, when in doubt, remember the immortal words of

Laurence Fishburne.



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(43)



## Press Release

### RESEARCH UPDATES AMERICANS' VIEW ON CELL PHONE ETIQUETTE

#### Americans More Cautious About Appropriate Cell Phone Usage In All Places Other Than Bathroom

**San Francisco, CA (September 3, 2002)** — A scientific poll commissioned by online wireless retailer LetsTalk found that since 2000 there has been a significant decrease in the percentage of Americans who are willing to use their cell phones in public places including movies, restaurants and public transportation. The study, conducted by Wirthlin Worldwide, also found that less than half of Americans find it acceptable to use their cell phones while in a car and only 10% find it appropriate to use a cell phone while at school. In addition, 28% said it was acceptable to take a call while in a restaurant.

The new 2002 research is similar to a study commissioned by LetsTalk in April 2000 (also conducted by Wirthlin). In the 2002 study, Americans were asked "In which of the following places do you find it generally acceptable to speak on your wireless (cellular) phone?"

#### Acceptable to talk on cell phone in car

2002 Poll: 46%

2000 Poll: 76%

#### Acceptable to talk on cell phone in restaurant

2002 Poll: 28%

2000 Poll: 31%

#### Acceptable to talk on cell phone while on public transportation

2002 Poll: 45%

2000 Poll: 52%

#### Acceptable to talk on cell phone in the supermarket:

2002 Poll: 53%

2000 Poll: 60%

#### Acceptable to talk on cell phone in bathroom

2002 Poll: 47%

2000 Poll: 39%

#### Acceptable to talk on cell phone while at the movies or in a theater

2002 Poll: 6%

2000 Poll: 11%

#### Acceptable to talk on cell phone while on school property including classrooms

2002 Poll: 10%

2000 Poll: (not asked)

(44)

"Despite an overall increase in cell phone usage, Americans appear to be much more cognizant of their cell phone etiquette," said Delly Tamer, president and CEO of LetsTalk. "It's important to recognize that Americans are beginning to self-police their wireless etiquette, especially as leaders evaluate the pros and cons of banning cell phone usage in public places."

Wirthlin Worldwide conducted the survey in August 2002 by interviewing a representative sample of 1,001 Americans age 18 or older.

To read LetsTalk's wireless phone etiquette tips and guidelines, consumers can visit [LetsTalk.com/courtesy](http://LetsTalk.com/courtesy).

#### About LetsTalk.com

LetsTalk is an online retailer, distributor, and enterprise solutions provider for wireless service plans and devices. LetsTalk.com is a customer-friendly place that helps consumers research and purchase wireless products and services online. LetsTalk's Enterprise Wireless Management Suite enables corporations to better manage and control their wireless expenses. LetsTalk's wholly owned fulfillment center is uniquely able to customize and brand products. LetsTalk.com features one of the largest selections of wireless products and services available, including phones, PDA's and two-way email devices. LetsTalk is based in San Francisco and was founded in July of 1999.

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45





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## The Cell Phone Ten Commandments

There are probably more; we just ran out of tablet space.

**Dan Briody, InfoWorld**  
Wednesday, June 14, 2000

There comes a time in any technological revolution when some basic guidelines need to be laid down. It happened when e-mail exploded on the scene, and people started to learn some basic dos and don'ts. For example, if you carbon copy the boss on an e-mail message to a colleague, it means that you are through kidding around.

No one teaches us these things in company training seminars; they're just learned on the job.

Well, I've reached the point with cell phones where I feel the need to lay down the law. There are some real abuses of wireless technology being perpetrated all around us; and the time has come to create some social order out of the cell phone chaos. This is by no means an exhaustive list simply because, as the technology evolves, new annoying traits will surely emerge.

Commandments usually come in tens, so think of this as the first Ten Commandments of Cell Phone Etiquette, with amendments to follow.

### Layin' Down the Law

1. Thou shalt not subject defenseless onlookers to cell phone conversations. When people cannot escape the banality of your conversation--on a plane, on a train, on a bus, in a cab, or at the dinner table--spare them.
2. Thou shalt not set thy ringer to play "La Cucaracha" every time thy phone rings. Or Beethoven's Fifth, or the Bee Gees, or any other annoying melody. Is it not enough that phones go off every other second?
3. Thou shalt turn thy cell phone off during public performances. I'm not even sure this one needs saying, but given the repeated violations of this heretofore unwritten law, I felt compelled to include it.
4. Thou shalt not wear more than two wireless devices on thy belt. This hasn't become a big problem yet. But with plenty of techno-jockeys sporting pagers and phones, Batman-esque utility belts are sure to follow. Let's nip this one in the bud.
5. Thou shalt not dial while driving. In all seriousness, this madness has to stop. There are enough people in the world who have problems mastering vehicles and phones individually.

### And Furthermore...

6. Thou shalt not wear thy earpiece in the presence of thy friends. This is not unlike being on the phone and carrying on another conversation with someone who is physically in your presence. No one knows if you're here or there.
7. Thou shalt not speak louder on thy cell phone than thou would on any other phone. These things have incredibly sensitive microphones, and it's gotten to the point where I can tell if someone is calling me from a cell because of the way they are talking, not how it sounds. If your signal cuts out, speaking louder won't help, unless the person is actually within earshot.

46

8. Thou shalt not grow too attached to thy cell phone. For obvious reasons, a dependency on constant communication is not healthy. At work, go nuts. At home, give it a rest.
9. Thou shalt not attempt to impress with thy cell phone. Not only is using a cell phone no longer impressive in any way (unless it's one of those really cool new phones with the space-age design), when it is used for that reason, said user can be immediately identified as a neophyte and a poseur.
10. Thou shalt not slam thy cell phone down on a restaurant table just in case it rings. This is not the Old West, and you are not a gunslinger sitting down to a game of poker in the saloon. Could you please be a little less conspicuous? If it rings, you'll hear it just as well if it's in your coat pocket or clipped on your belt.

Well, I'm all thoud and thyed out, so there you have it: the first ten rules of cell phone etiquette. Most seem like common sense to me, but each gets broken every day.

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